

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

|                                |   |                            |
|--------------------------------|---|----------------------------|
| Gary Lee Todd,                 | ) | C/A No.: 3:12-1389-MBS-SVH |
|                                | ) |                            |
| Plaintiff,                     | ) |                            |
|                                | ) |                            |
| vs.                            | ) | REPORT AND RECOMMENDATION  |
|                                | ) |                            |
| Michelle Wang, owner of Miyo's | ) |                            |
|                                | ) |                            |
| Defendant.                     | ) |                            |
|                                | ) |                            |
|                                | ) |                            |

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This matter comes before the court on the plaintiff's letter dated May 24, 2012 in which he requests that the court return his paperwork because he has obtained an attorney. [Entry #6]. The undersigned interprets the letter as a request for voluntary dismissal of the case pursuant to Rule 41(a)(2), Fed. R. Civ. P. and recommends the district judge grant the plaintiff's motion to dismiss without prejudice. If the plaintiff does not wish to voluntarily dismiss his case, he is directed to file objections within 14 days so indicating and the undersigned will withdraw the recommendation and direct the Clerk to return the file to the undersigned for further proceedings.

IT IS SO RECOMMENDED.

*Shiva V. Hodges*

May 31, 2012  
Columbia, South Carolina

Shiva V. Hodges  
United States Magistrate Judge

**The parties are directed to note the important information in the attached  
"Notice of Right to File Objections to Report and Recommendation."**

## **Notice of Right to File Objections to Report and Recommendation**

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); *see* Fed. R. Civ. P. 6(a), (d). Filing by mail pursuant to Federal Rule of Civil Procedure 5 may be accomplished by mailing objections to:

Larry W. Propes, Clerk  
United States District Court  
901 Richland Street  
Columbia, South Carolina 29201

**Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation.** 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).